



# **Ordinance Committee**

## **Medical Cannabis Dispensary**

### **Ordinance Revision**

STATE STRE.

# Purpose

- ◆ Review the existing Medical Cannabis Dispensary Ordinance
- ◆ Discuss options
- ◆ Direct Staff on potential revisions

# MCDP Ordinance History

- ◆ August 14, 2007: Council directed Staff to prepare a interim ordinance to suspend the opening of new medical marijuana dispensaries, pending the adoption of a permanent Ordinance.
- ◆ October 3, 2007: Council adopted the Interim Ordinance.
- ◆ March 25, 2008: Council adopted the Medical Cannabis Dispensary Ordinance
- ◆ April 24, 2008: MCDP Ordinance became effective
- ◆ July 28, 2009: Council directed Ordinance Committee to review the current ordinance.



# Current Ordinance

- ◆ Locational Restrictions
- ◆ Operational Restrictions
- ◆ Request heard by the Staff Hearing Officer

# Current Locational Restrictions

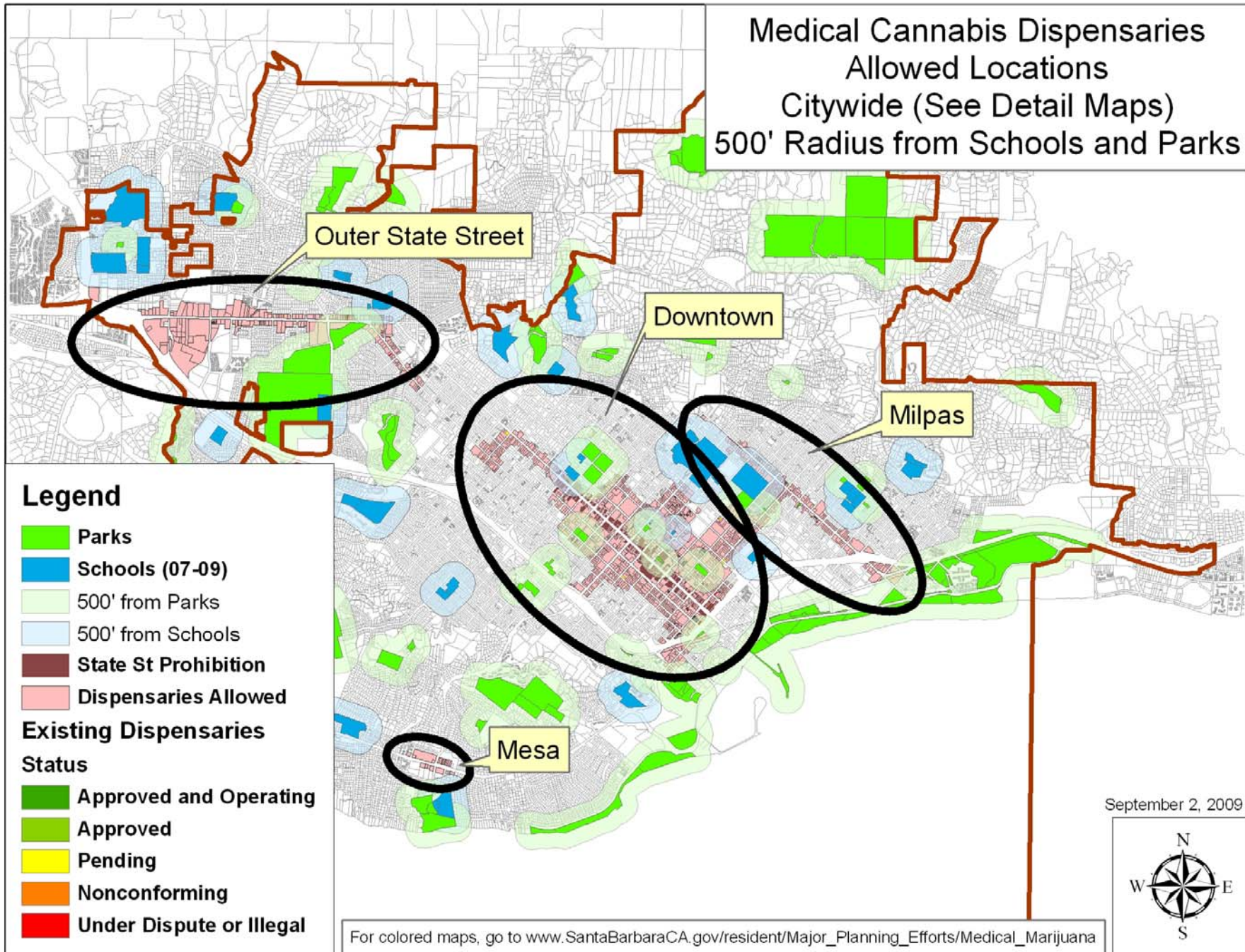
- ◆ Allowed in C-2 and C-M Zones
- ◆ Allowed on Outer State Street
  - Calle Laureles to Calle Real
- ◆ Allowed on Milpas
  - Carpinteria to Canon Perdido
- ◆ Allowed on Cliff Drive
  - Within 1000 feet of Meigs



## Current Locational Restrictions (Cont'd)

- ◆ Prohibited within 500 feet of:
  - Schools (K-12)
  - Parks
  - Other Dispensaries
- ◆ Prohibited on State Street
  - Highway 101 to Arrellaga

# Medical Cannabis Dispensaries Allowed Locations Citywide (See Detail Maps) 500' Radius from Schools and Parks





# Medical Cannabis Dispensaries Allowed Locations Downtown 500' Radius from Schools and Parks

## Legend

### Existing Dispensaries

#### Status

- Approved and Operating
- Approved
- Pending
- Nonconforming
- Under Dispute or Illegal
- Parks
- Schools (07-09)
- 500' from Parks
- 500' from Schools
- State St Prohibition
- Dispensaries Allowed

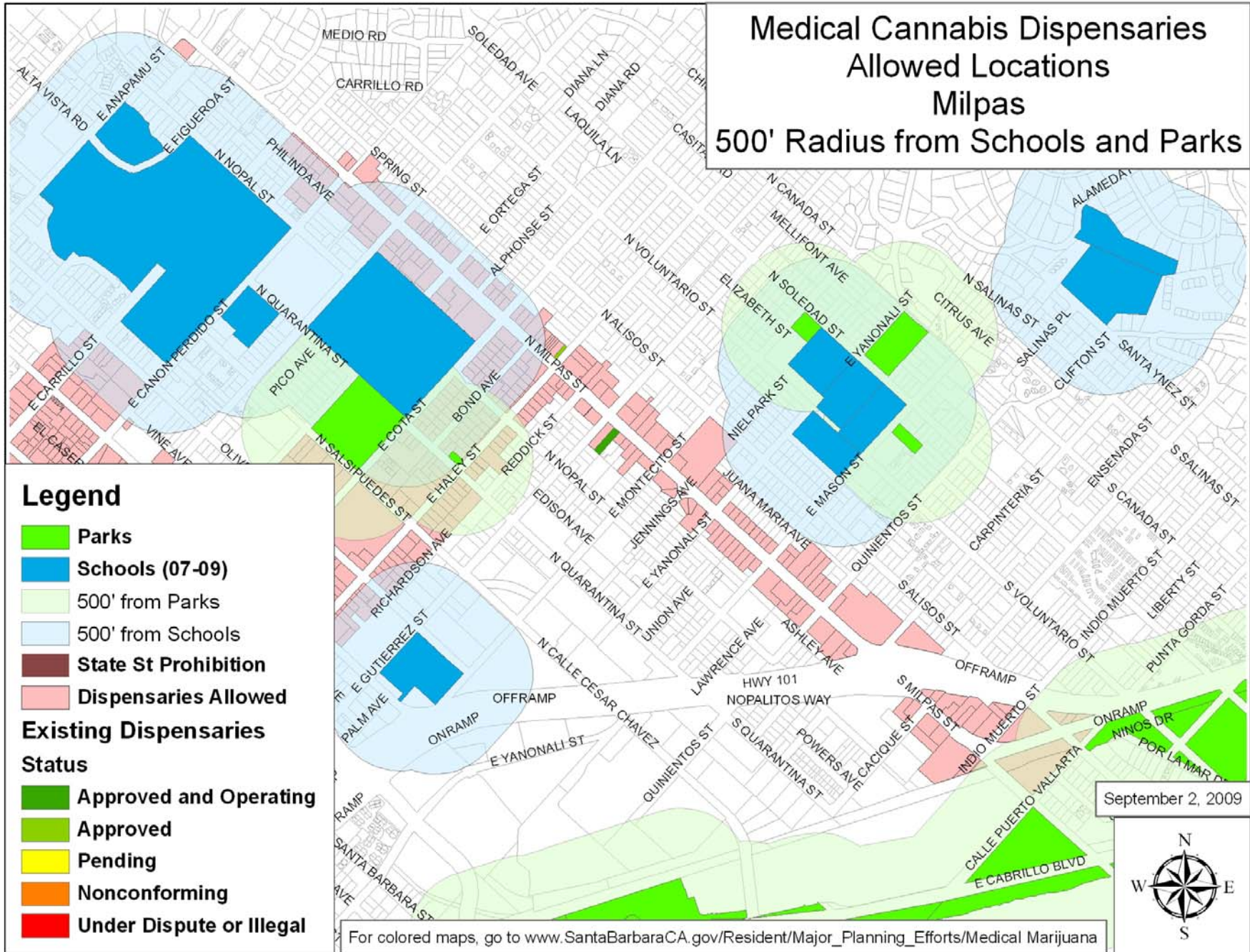
For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major\\_Planning\\_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

September 2, 2009



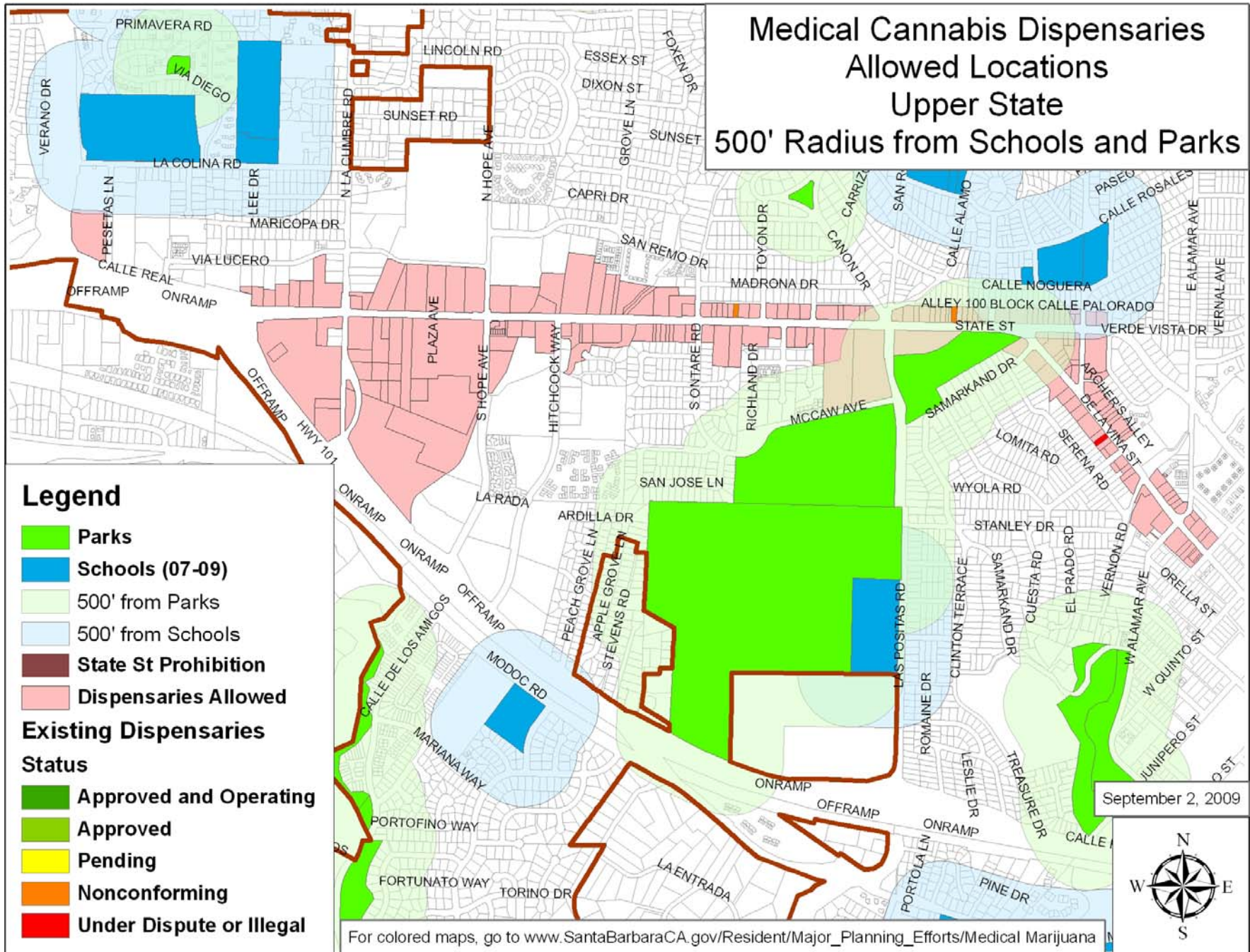


# Medical Cannabis Dispensaries Allowed Locations Milpas 500' Radius from Schools and Parks

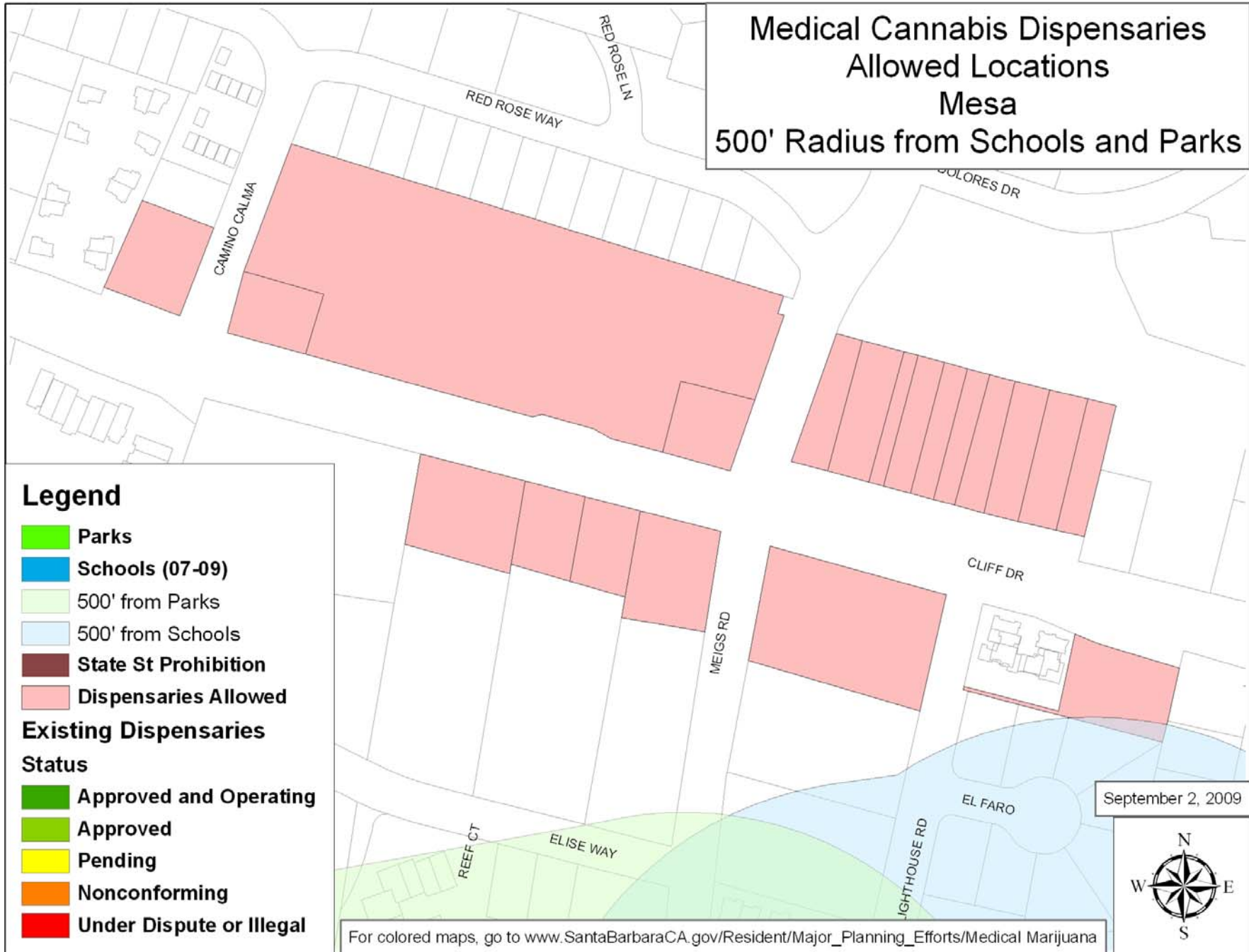




# Medical Cannabis Dispensaries Allowed Locations Upper State 500' Radius from Schools and Parks



# Medical Cannabis Dispensaries Allowed Locations Mesa 500' Radius from Schools and Parks





# Current Operational Restrictions

- ◆ Criminal History
- ◆ Minors
- ◆ Size and Access
- ◆ Dispensing Operations
- ◆ Consumption Restrictions
- ◆ Retail sales of other items
- ◆ Operating Plans
- ◆ Signage and Notices
- ◆ Employee Records
- ◆ Patient Records
- ◆ Staff Training
- ◆ Site Management
- ◆ Trash, Litter and Graffiti
- ◆ Compliance with other Restrictions
- ◆ Display of Permit
- ◆ Alcoholic Beverages
- ◆ Parking Requirements

# Current Permitting Process

- ◆ Request heard by the Staff Hearing Officer
- ◆ Appealable to Planning Commission
- ◆ Not appealable to City Council
- ◆ Approval Valid Indefinitely
  - Same Owner
  - Same Location
  - Ability to Revoke Permit

# Approved and Pending Dispensaries

## ◆ Approved & Operating

- Pacific Coast Caregivers, 331 N. Milpas

## ◆ Approved

- SB Patients Collective Health Cooperative, 500 N Milpas
- Green Light Dispensary, 631 Olive
- SB Greencare Collective, 2 W. Mission

## ◆ Pending

- Farmacy, 741-781 Chapala
- Vitamin M Collective, 234 E. Haley
- Aloha Spirit Organic Consumables, 302 E. Haley
- The Healing Gardens, 826 De la Vina
- SB Compassionate Use Collective, 430 Chapala





# Nonconforming and Illegal Dispensaries

## ◆ Nonconforming

- Hortipharm, 3516 State Street
- Sacred Mountain, 27 Parker Way
- AMG, 100 E Haley Street
- SB Patient's Group, 3128 State

## ◆ Illegal or Under Dispute

- The Compassion Collective, 2915 De la Vina
- The Green House, 336 Anacapa
- Others are being investigated by the Police Department

# Issue Areas for Discussion

- ◆ Police Department Statistics
- ◆ Cap on the Number of Dispensaries
- ◆ Security Requirements
- ◆ Milpas Recovery Zone
- ◆ Proximity to Schools, Parks, Etc.
- ◆ Reducing the Amortization Period for Nonconforming Dispensaries
- ◆ Impact on Neighborhoods
- ◆ Re-establishing an Interim Ordinance/Applicability to Existing & Pending Dispensaries
- ◆ Neighboring Jurisdictions MCDP Regulations
- ◆ Criteria for Issuance
- ◆ Amount of Discretion Given to the Staff Hearing Officer
- ◆ Lack of Appeal to City Council
- ◆ Allowing Dispensaries in C-O or C-1 Zones
- ◆ Full Cost Recovery for Application Processing



# Police Department Statistics

- ◆ Crime Statistics
- ◆ Calls for Service from Dispensaries



# Marijuana Investigations

- ◆ Marijuana arrests in the 18 months: **594**
- ◆ Possession of Marijuana by a minor on school campus: **4**
- ◆ Cultivation cases=**2**
- ◆ Possession of less than an ounce of marijuana: **423 arrests (16 months)**
- ◆ SBPD Narcotic Unit seizure
  - 2008: **46 lbs**
  - 2009: **750 lbs**

## Offenses by Reporting District (Top 10 Districts, Ordered by Number of Part 1 Crimes) 5/1/2008 – 9/4/2009

Rpt. Dist.	Area Description	Part I Total	% of Part 1 to Total	11357 b Marijuana Poss. Under Ounce	Homicide	Rape	Robbery	Aggravated Assault	Burglary	Larceny (Except Motor Vehicle Theft)	Motor Vehicle Theft	Other Not Part 1
		4375	100.0 %	<b>423</b>	6	27	159	427	713	2907	136	27975
41	Downtown State St. 700-1100	320	7.3%	<b>57</b>	0	0	9	16	28	267	0	1346
40	Downtown State St. 300-600	256	5.9%	<b>65</b>	0	0	12	53	20	164	7	2937
62	Milpas St. Freeway-600 North	228	5.2%	<b>8</b>	0	2	12	16	18	176	4	1476
12	Beachfront E. of Stearns Wharf – Chase Palm Park	157	3.6%	<b>46</b>	1	0	7	16	15	113	5	1529
45	Police Department	150	3.4%	<b>7</b>	0	3	4	9	12	112	10	2196
11	Beachfront E. of Chase Palm Park – Coast Village Rd.	138	3.2%	<b>19</b>	0	3	2	13	17	102	1	986
42	Downtown State St. 1200-1700	137	3.1%	<b>15</b>	0	0	2	5	16	112	2	764
44	Garden St. 600-900	136	3.1%	<b>26</b>	0	1	1	11	9	106	8	863
56	Upper State St. W. of Hope Ave./N. of State St.	134	3.1%	<b>8</b>	0	0	9	9	20	93	3	623
55	Upper State St. W. of Hope Ave./S. of State St.	132	3.0%	<b>2</b>	0	0	3	2	11	114	2	120

# Calls for Service from Dispensaries

## ◆ Approved and Operating

- 331 N. Milpas – Pacific Coast Caregivers
  - Reporting District (R.D.): 64 (not in Top 10)
    - Calls for Service from this R.D.?: 1364
    - Part 1 Crimes: 28 (0.6% of Citywide total)
  - Calls for Service from this location: 4



# Calls for Service from Dispensaries

## ◆ Nonconforming

- 3128 State
  - Reporting District: 52 (not in Top 10)
    - Total Calls for Service in this R.D.: 1006
    - Part 1 Crimes: 57 (1.3% of Citywide total)
    - Calls for Service from this location: 0
- 3516 State
  - Reporting District: 52 (not in Top 10)
    - Total Calls for Service in this R.D.: 1006
    - Part 1 Crimes: 57 (1.3% of Citywide total)
    - Calls for Service from this location: 0
- 100 E. Haley
  - Reporting District: 43 (not in Top 10)
    - Total Calls for Service in this R.D.: 1364
    - Part 1 Crimes: 97 (2.2% of Citywide total)
    - Calls for Service from this location: Unable to Determine
- 27 Parker Way
  - Reporting District: 30 (not in Top 10)
    - Total Calls for Service in this R.D.: 1349
    - Part 1 Crimes: 79 (1.8% of Citywide total)
    - Calls for Service from this location: 8

# Calls for Service from Dispensaries

## ◆ Approved

### – 500 N. Milpas

- Reporting District: 37 (not in Top 10)
  - Total Calls for Service in this R.D.: 2640
  - Part 1 Crimes: 37 (0.8% of Citywide total)

### – 631 Olive

- Reporting District: 43 (not in Top 10)
  - Total Calls for Service in this R.D.: 43?
  - Part 1 Crimes: 97 (2.2% of Citywide total)

### – 2 W. Mission

- Reporting District: 35 (not in Top 10)
  - Total Calls for Service in this R.D.: 1182
  - Part 1 Crimes: 87 (2.0% of Citywide total)



# Cap on the Number of Dispensaries

- ◆ Citywide?
- ◆ By Geographic Area?
  - Downtown
  - Milpas
  - Upper State
  - Mesa
- ◆ Other Methodology or Areas



# Security Requirements

- ◆ Hours of Operation
  - 10 am – 7pm
- ◆ Security Guard
  - Licensed through State Bureau of Security and Investigative Services





# Milpas Recovery Zone

## ◆ Suggested Boundaries

- Milpas Street
- Beach
- Garden Street
- Gutierrez Street



# Proximity to Schools, Parks, Etc.

## ◆ Options

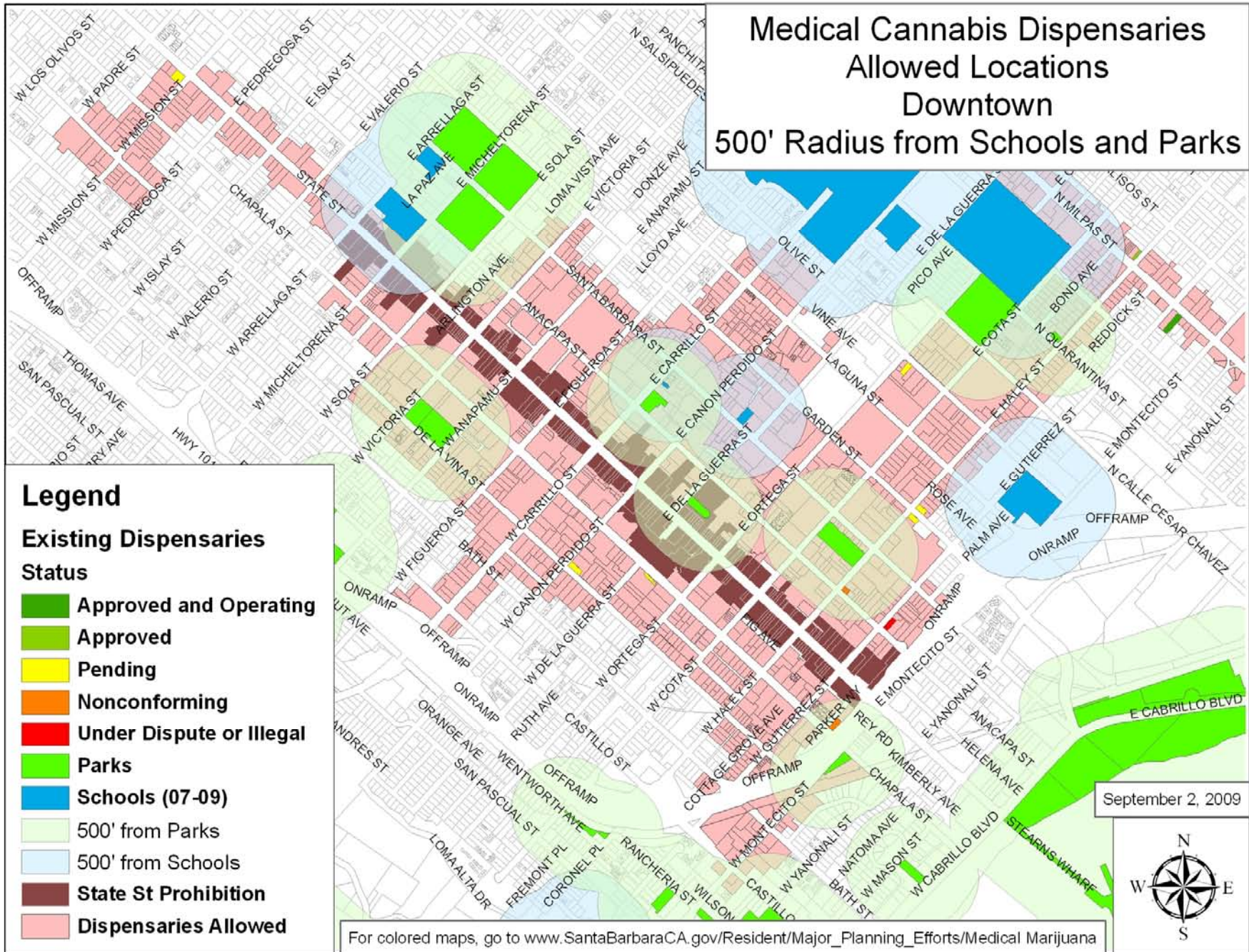
- Increase distance to 750, 1000+ feet
- Prohibition within ? Feet of Residential Zones
- Include Pre-schools, Day Care Facilities, Drug and Alcohol Rehabilitation Centers, Housing Authority projects, Churches, Safe Routes to Schools, or other uses

## ◆ Consequences

- Limited areas where dispensaries are allowed.

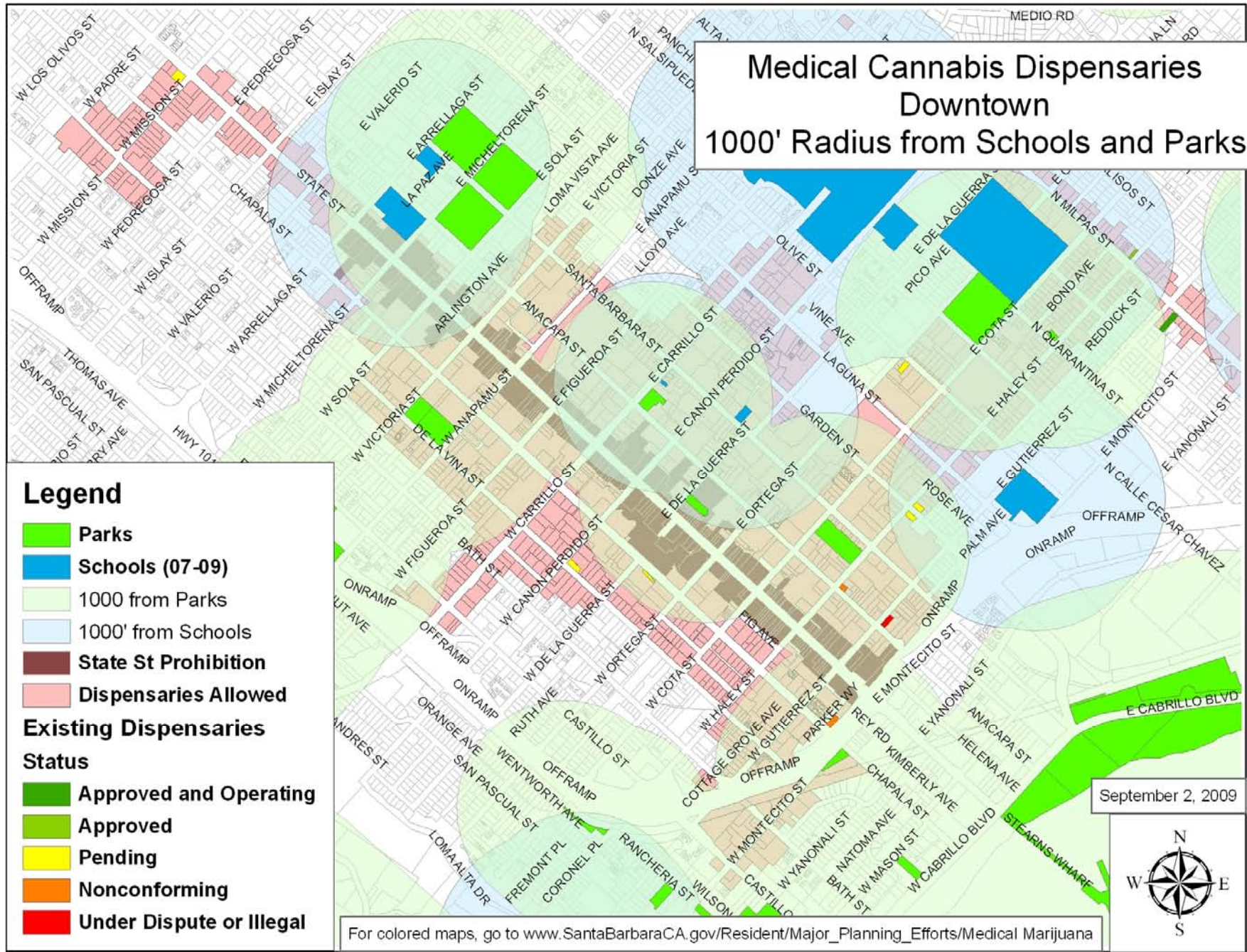


# Medical Cannabis Dispensaries Allowed Locations Downtown 500' Radius from Schools and Parks





# Medical Cannabis Dispensaries Downtown 1000' Radius from Schools and Parks





# Amortization Period

- ◆ Existing Ordinance
  - 3 years, ending April 24, 2011
- ◆ Options
  - No Changes
  - Reduce



# Impacts on Neighborhoods

## ◆ Potential for Increased Crime

- Described by a White Paper on Marijuana Dispensaries by the CA Police Chief's Association Task Force on Marijuana Dispensaries
- Violent Crime
- Loitering, Smoking in the vicinity
- Re-selling illegally
- Graffiti

# Interim Ordinance/Applicability

- ◆ Moratorium/Interim Ordinance
  - Retroactivity
- ◆ When would the Revisions be Applicable to Dispensaries
  - Application Received
  - Application Deemed Complete
  - Project Approved
  - Building Permit Issued
  - Later?



# Neighboring Jurisdictions

- ◆ Only City of Santa Barbara and SB County allow Dispensaries at this time.
- ◆ Other jurisdictions have outright ban, temporary moratoria or interim ordinances
  - Lompoc
  - Guadalupe
  - Santa Maria
  - Buellton
  - Solvang
  - Goleta
  - Carpinteria
  - Ventura
  - Oxnard
  - Camarillo



# Criteria for Issuance

- ◆ Criterion #2: High Crime Area

- That the proposed location of the Dispensary is not identified by the City Chief of Police as an area of high crime activity...

- ◆ Criterion #4: Reporting Requirement

- That all required application fees have been paid and reporting requirements have been satisfied in a timely manner.



# Discretion of Staff Hearing Officer

- ◆ Criterion #7: "...no significant nuisance issues or problems are anticipated..."
- ◆ Criterion #10: "...the dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding areas..."



# Lack of Appeal to Council

- ◆ Existing Ordinance
  - Planning Commission decision is final
- ◆ Options
  - No Change
  - Appeal to Council



## Allowing Dispensaries in C-O or C-1 Zones

- ◆ C-O Zone
  - Cottage Hospital
- ◆ C-1 Zone
  - Coast Village Road



## Full Cost Recovery for Application Processing

- ◆ Currently
  - \$200/hr for application processing
  - Most likely not full cost recovery
- ◆ Need
  - Fee Study to determine full hourly cost (including all overhead) for Community Development and Police Departments
- ◆ Appeals
  - Processing time paid for by applicant?



# Recommendation

- ◆ Hear Public Testimony;
- ◆ Review Current Ordinance;
- ◆ Discuss Proposed Revisions; and
- ◆ Direct Staff to Make Revisions



# Possible Next Steps

- ◆ Continue Ordinance Committee Discussion on September 29
- ◆ Council hearing for more direction
- ◆ Planning Commission Recommendation
- ◆ Council hearings for Introduction and Adoption



# The End



# Medical Cannabis Dispensaries Downtown 750' Radius from Schools and Parks

## Legend

- Parks**
- Schools (07-09)**
- 750' from Parks
- 750' from Schools
- State St Prohibition**
- Dispensaries Allowed**

## Existing Dispensaries

### Status

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- Approved**
- Pending**
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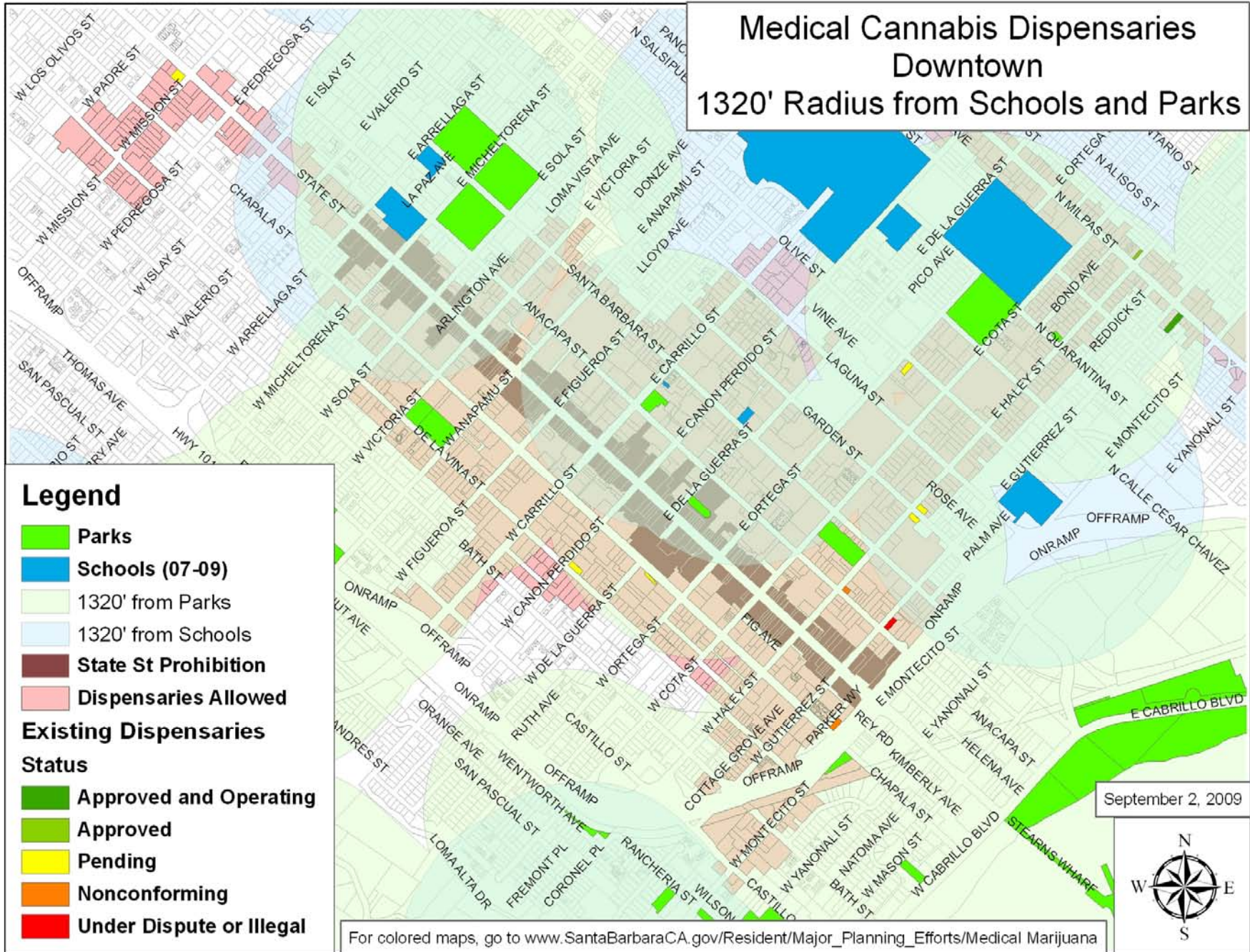
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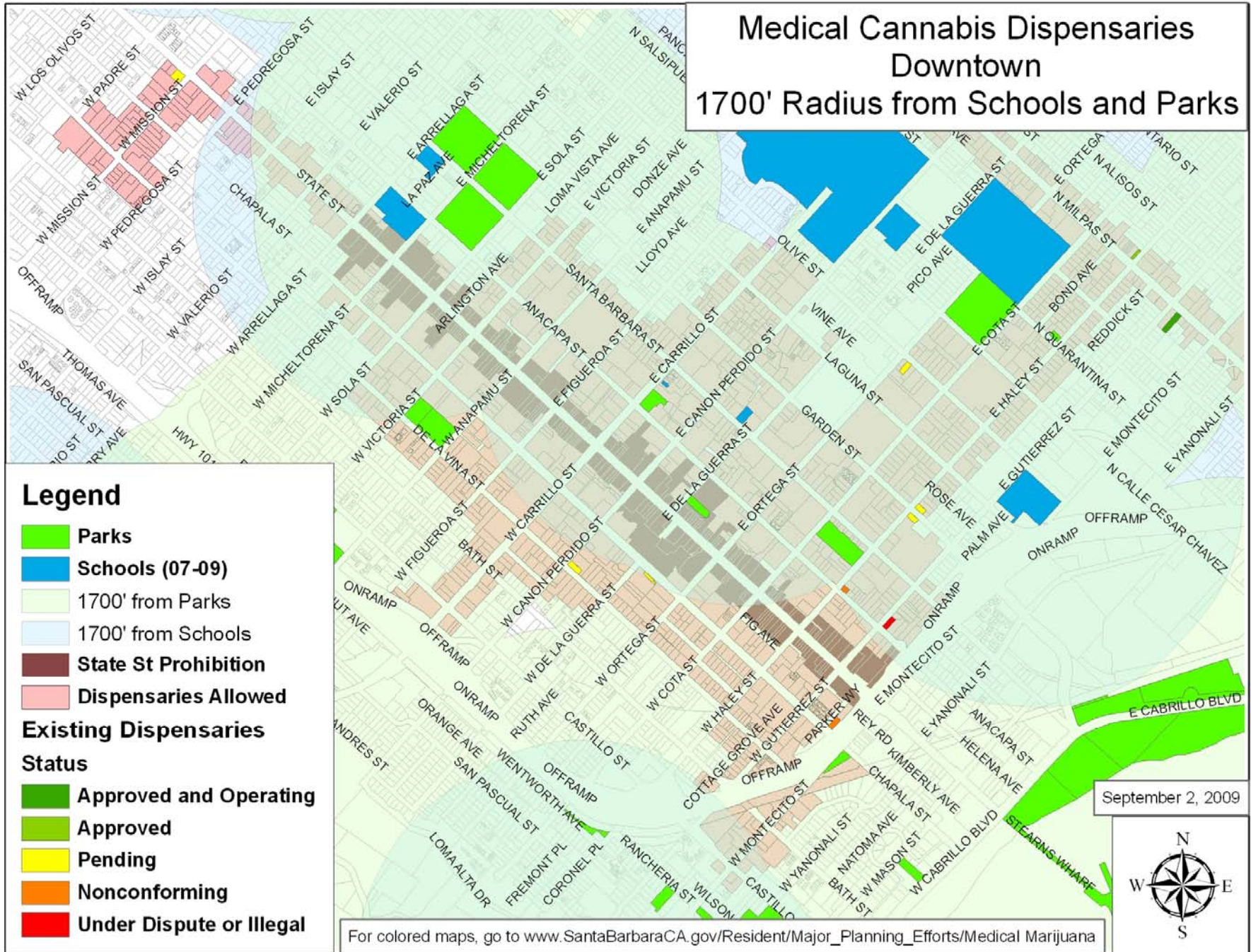


# Medical Cannabis Dispensaries Downtown 1320' Radius from Schools and Parks





# Medical Cannabis Dispensaries Downtown 1700' Radius from Schools and Parks





# Medical Cannabis Dispensaries Downtown 500' Radius from Schools and Parks 500' Radius from Residential Zones

## Legend

- Parks
- Schools (07-09)
- 500' from Parks
- 500' from Schools
- 500' from Residential Zones

- State St Prohibition
- Dispensaries Allowed

## Existing Dispensaries

### Status

- Approved and Operating
- Approved
- Pending
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Medical Cannabis Dispensaries  
Downtown  
500' Radius from Schools and Parks  
EPV and Brinkerhoff Districts

